

REMARKS

This RCE is intended as a full and complete response to the Final Office Action dated October 13, 2006, having a shortened statutory period for response set to expire on January 13, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1, 5-13, 16-18, 24-29, 36, 37, and 39-41 are rejected, and claims 14, 15, 32, 34, 35, and 38 are objected to by the Examiner but would be allowable if redrafted in independent form.

Claims 1, 6-18, 24-28, and 32-49 remain pending in the application after entry of this response. Claim 29 has been canceled without prejudice. Claims 1, 13, 34, and 38-40 have been amended and new claims 42-49 have been added. No new matter has been added by either the amendments or new claims. Claims 44, 45, and 47-49 are claims 38, 14, 32, 34, and 35, respectively, redrafted in independent form (before current amendment of the base claims). Claim 48 has been slightly varied from claim 34; however, Applicants do not believe the slight variation affects the allowability of the claim.

Claim Objections

Claim 29 is objected to because of an informality. Claim 29 has been canceled and redrafted as claim 43 (now depending from claim 35). Withdrawal of the objection is respectfully requested.

Claim Rejections Under 35 USC § 102

Claims 1, 8, 12, 25-27, 36, 37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by *Grimmer* (US 3,051,243). In the "Response to Arguments" the Examiner recognizes that *Grimmer* does not disclose a tool, "wherein an entire length of the sleeve flow port substantially corresponds to an entire length of the housing flow port;" and comprising "an adapter having an entire length substantially the same or greater than the entire length of the sleeve flow port;" as recited in amended claim 1. Withdrawal of the rejection is respectfully requested.

Claims 1, 26, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by *Bassinger* (US 2,317,021). In the "Response to Arguments" the Examiner recognizes that *Bassinger* does not disclose a tool, "wherein an entire length of the sleeve flow port substantially corresponds to an entire length of the housing flow port;" as recited in amended claim 1. Withdrawal of the rejection is respectfully requested.

Claims 13, 16-18, 28-29, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by *Schertz* (US 3,773,441). *Schertz* does not teach, suggest, or disclose a seal assembly, wherein a length of one of the adapters is substantially greater than a combined length of a rest of the seal assembly, as recited in amended claim 13. In Figure 1 of *Schertz*, the end cap 27 is about the same length as the combined length of sealing rings 26. Therefore, claim 13 and its dependents are patentable over *Schertz*.

Claim Rejections Under 35 USC § 103

Claims 1, 10-11, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Murray* (US 5,316,084) in view of *Bassinger*. Applicants respectfully traverse the Examiner's cited motivation to combine. The Examiner cites page 2, col. 2, lines 10-13 of *Bassinger* and states that it would be beneficial for *Murray*'s tool to have a lengthened adapter as taught by *Bassinger* to more positively seal the tool when the tool is in a closed position. *Bassinger* discloses aligning mandrel radial ports 28 with packing collar 24 in the closed position (FIG. 2, pg. 2, col. 2, lines 4-9). *Murray* teaches away from such a configuration by teaching a closed position (FIG. 5), where the sleeve ports 116 are completely above upper seal means 109 and an equalization position (FIG. 6), where the sleeve ports 116 are completely below the upper seal means 109. *Murray* explains that this is to protect the upper seal means 109 from damage during actuation between the closed and open modes of operation:

A second important feature of the wellbore tool 100 of the present invention is that during the equalization mode of operation, upper and lower sealing means 109, 110 are maintained in a protected position, *completely enclosed* within upper and lower seal cavities 202, 204. ... Thus, during the equalization mode of operation, as depicted in FIG. 6, upper seal means 109 is not exposed to substantial fluid flow from either interior 101 or exterior 102, and is certainly not exposed to any appreciable flow of high pressure fluids. Subjecting upper seal means 109 to high pressure fluid flow during the equalization mode of operation could

result in damage to upper seal means 109. Thus, in the present invention, it is *extremely important* that *no portion* of upper seal means 109 be exposed to substantial high pressure wellbore fluid flow during the equalization mode of operation.

(col. 7, line 67-col. 8, line 22, emphasis added). Modifying *Murray* to have a configuration like *Bassinger*, where the sleeve ports 116 would be aligned with a modified adapter of sealing means 109 would thus contradict a primary teaching of *Murray*. This concern is not present in the application of *Bassinger* because the mandrel 27 is not shifted until after the cement is pumped and only to drain the remaining cement from the tubing 10, thereby not exposing the packing rings 23,25 to a damaging surge (pg. 3, col. 2, lines 23-32). Further, *Bassinger's* device is removed from the well bore after every use so longevity of the packing rings 23,25 is not a major concern (pg. 3, col. 2, lines 46-49). Therefore, there is no motivation to combine *Murray* and *Bassinger*. Withdrawal of the rejection is respectfully requested.

Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Grimmer* in view of *Baugh* (US 5,611,547). As discussed above, *Grimmer* does not disclose a tool, "wherein an entire length of the sleeve flow port substantially corresponds to an entire length of the housing flow port;" and comprising "an adapter having an entire length substantially the same or greater than the entire length of the sleeve flow port;" as recited in amended claim 1. *Baugh* also does not disclose these claim elements. Therefore, claim 1 and its dependents are patentable over *Grimmer* in view of *Baugh*.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Grimmer* in view of *Murray* (US 5,316,084). As discussed above, *Grimmer* does not disclose a tool, "wherein an entire length of the sleeve flow port substantially corresponds to an entire length of the housing flow port;" and comprising "an adapter having an entire length substantially the same or greater than the entire length of the sleeve flow port;" as recited in amended claim 1. *Murray* also does not disclose these claim elements. Therefore, claim 1 and its dependents are patentable over *Grimmer* in view of *Murray*.

Claim Objections

Claims 14-15, 32, 34-35, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants believe the objection is now moot as claims 1 and 13 are now allowable. Withdrawal of the objection is respectfully requested.

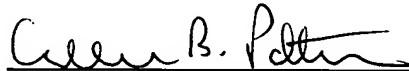
Supplemental Information Disclosure Statement (SIDS)

A SIDS is included with this RCE.

Conclusion

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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